

November 20, 2008

## Reference Notes For Agenda Item # 28

Page vii. Executive Summary. Action 2.3.1: Charge the Delta Protection Commission with facilitating a consortium of local governments to create a regional economic development plan that addresses agriculture, recreation, tourism, and other innovative land uses.

Page vii Action 2.4.3: Place the Fund under the joint management of the Delta Protection Commission and a consortium of local governments.

Page xiii. Executive Summary. Establish a new Delta Conservancy to implement ecosystem restoration projects, and increase the powers of the existing Delta Protection Commission.

Page xiv. Action 7.32: Establish a base of revenues outside the state General Fund for the work of the California Delta Ecosystem and Water Council, the Delta Conservancy, the Delta Protection Commission, and related core activities of the Department of Fish and Game, the Department of Water Resources, and the State Water Resources Control Board.

Page xx, Executive Summary. Increase the powers of the existing Delta Protection Commission.

Page 38. This strategic plan recommends limited, but important, changes in local government land use powers. Within the primary zone, the Delta Protection Commission (DPC) is given direct consistency determination authority over land use. This is intended to integrate decision making in this critical area where land uses are already heavily limited by the Delta Protection Act.

Page 43. Figure 1-14. Proposed Governance Structure CPC connection to the CDEW Plan.

Page 44. ....Conservancy governing board....Five members would represent the five Delta Counties, selected by the Governor from nominees advanced by the DPC:

Page 45. **An expansion of authority for the existing DPC to facilitate critical land use decision making of state and local interest in the Delta. The DPC would also support regional policies enhancing the value of Delta as a place, including responsibility for management of the proposed National Heritage Area Designation for the Delta....**Its membership should be expanded to include representation of the Central Valley Flood Board. Federal agencies, including the U. S.

Army Corps of Engineers , the USFWS, and the U. S. Bureau of Reclamation should be invited to participate as needed.

In its anew role, the DPC would exercise direct consistency determination authority over development proposals in the primary zone. This means that the DPC must make an affirmative determination that any project approved by local governments within the primary zone is consistent with the Resource Management Plan and the CDEW Plan. Also, the Commission would exercise appeal authority over selected portions of the secondary zone once local plans are created for those areas. Until those local plans are created, DPC should possess direct consistency determination authority over development proposals in these areas. Finally, the DPC would determine the consistency of the local plans with the CDEW plan.

Page 49. Goal 7. Establishment of the CDEW Council, which will adopt the CDEW Plan and have authority to determine consistence of all state agencies. Funding authorization, through fees and otherwise, to allow CDEW, the Conservancy, and DPC to act as directed.

Page 52. Local governments and the DPC are developing emergency response plans....The assessment should be led by the OES and include at least the Business, Transportation, and Housing Agency; DFG; and DWR. It should be completed by June 2010 and presented to the governor, Delta local governments, and the DPC.

Page 62. The Delta Protection Commission (DPC), the Task Force's proposed Delta Conservancy, and state and local agricultural institutions should collaborate to secure funding from these and other Farm Bill titles, and foundations.

Page 63. d. Requiring the DPC to continue working with the USDA to secure funding for a Resource Conservation and Development Council to promote natural resource-base economic development. Among other functions, this council should develop housing for agricultural laborers in and around the Delta.

Page 73. The CEDW Council, the Delta Protection Commission, and the Delta Conservancy described in Strategy 7.1 should carry out the following:

- i. Develop a model land-use protection ordinance for protecting sea level rise buffer lands by 2010. The model ordinance should provide cities and counties located around the Delta margins with language for protecting these lands. The specific language should clearly indicate that only land uses incompatible with future ecosystem landward shifts should be precluded. Many current land uses, including most forms of agriculture, are generally compatible with this protection.
- ii. Acquire land ownership, easements, purchase options, or management agreements in areas adjacent to the highest priority ecosystem restoration areas by 2020. Land uses compatible with long-term open space buffer

protection, such as farming, can continue on these properties. Acquire land ownership, easements, purchase options, or management agreements in areas adjacent to lower priority restoration areas by 2040.

- iii. Acquire land ownership, easements, purchase options, or management agreements on other grasslands, riparian forestlands, and farmlands of conservation importance by 2020. Land uses compatible with the needs of identified species can continue on these properties.
- iv. Support wildlife-friendly agricultural practices on Delta farmlands that are of conservation importance. See Strategy 2.2.

Page 108. Action 6.1.1: Complete a Delta-wide regional emergency response plan by 2010 that establishes legally binding regional coordination.

- a. This collaboration must include the state and local Offices of Emergency Services, DPC, DWR, the Delta counties' Flood Response Group, the U. S. Army Corps of Engineers, the DOD, FEMA, U. S. Coast Guard, and the Delta's utilities, railroads, reclamation districts and water purveyors, both public and private.
- c. The CPC should partner with the emergency response agencies to identify gaps within existing plans and response processes.

Page 110. Strategy 6.2: Discourage inappropriate land uses in the Delta region.  
..Despite the existence of the Delta Protection Act, and the DPC, development has continued to expand in the Delta, potentially threatening state interests and heightening safety risks in the region. Substantial population increases in the region are projected for the coming decades, increasing urbanization pressures in both the secondary zone and the primary zone.

Page 111. The recommended governmental structure for the Delta, which would oversee land use, is described in greater detail in Strategy 7.1. The DPC should continue to be the primary region-wide land use governance entity, but with increased authority. To ensure state interests in the region are fully protected over decades, all general plans of Delta counties and cities, and the DPC's Resource Management Plan, should be required to be consistent with the California Delta Ecosystem and Water (CDEW) Plan called for in Strategy 7.2

Within this new governmental structure, the DPC should:

- a. Revise all of its plans and policies, including the Resource Management Plan, and make them consistent with the CDEW plan.
- b. Review and certify all local city and county general plans for consistency with the DPC Resource Management Plan and the CDEW Plan.

- c. Exercise direct consistency determination authority over development proposals in the primary zone. This means that DPC must make an affirmative determination that any project approved by local governments within the primary zone is consistent with the Resource Management Plan and the CDEW plan.
- d. Exercise appeal authority over selected portions of the secondary zone once local plans are created for those areas (see below). Until those local plans are created, DPC should possess direct consistency determination authority over development proposal in these areas. E. Determine the consistency of the local plans in (d) with the CDEW Plan.

The local plans for the areas named below must bring land uses in into consistency with the CDEW Plan. These plans should be prepared within three years and be submitted for consistency review to the DPC upon completion.

Action 6.2.1: Immediately strengthen land use oversight of the Cosumnes/Mokelumne floodway and the San Joaquin/South Delta lowlands.

Although outside the primary zone, both Areas are critical to achieving the co-equal goals of the Vision. Local governments should adopt plans for these areas compatible with this Strategic Plan. Those plans should be submitted to the DPC for certification of consistency determination authority over these areas in the secondary zone, just as in the primary zone. Upon plan certification, DPC should have appeal authority.

Page 121. Goal 7: Establish a new governance structure with the authority, responsibility, accountability, science support, and secure funding to achieve these goals....and increase the powers of the existing Delta Protection Commission.

Page 124. Action 7.1.2: Establish a California Delta Conservancy as early as possible in the 2009 legislative session. B. Be governed by a body with 11 voting members, including both local and state officials serving staggered terms, with selected federal participation in non-voting roles. Five members would represent the five Delta counties, selected by the Governor from nominees advanced by the DPC...

Page 125. Action 7.1.3: Strengthen the DPC through legislation.

The DPC should continue to be composed of representatives from Delta counties, cities, and reclamation districts, and directors or designees from several state departments. A membership slot for the Central Valley Flood Protection Board should be added. Federal agencies such as the U. S. Army Corps of Engineers, the USFWS, and the Bureau of Reclamation should be invited to participate in non-voting liaison capacities to better assess and coordinate flood protection, water supply, and ecosystem protection issues.

The DPC was created in 1992 and given appellate review of proposed land use in the Delta Primary zone. The Delta Protection Act and the actions of the DPC have protect the primary zone effectively to date. Despite this past success, three factors support changes in the future.

Page 126. The state's interests in the primary zone – already large as evidenced by policies focused on water and the ecosystem, land ownership, and funds for levees – will continue to grow, As reflected by the miles of levees in the primary zone, this is the area most at risk from sea level rise or seismic events. Land uses in the primary and secondary zones are becoming more critical to state regarding flood protection and ecosystem function.

To address these changes state interests, this Strategic Plan recommends expanding the responsibilities of the DPC. To ensure state interests in the region are fully protected over decades, all general plans of Delta counties and cities – and the DPC's Resource Management Pan – should be required to be consistent with the CDEW Plan. Within this structure, the DPC should:

- a. Revise all of its plans and policies, I including the Resource Management Plan, to be consistent with the CDEW Plan.
- b. Review and certify all local city and county general plans for consistency with the DPC Resource Management Plan and the CDEW Plan.
- c. Exercise direct consistency determination authority over development proposals in the primary zone. This means that DPC must make an affirmative determination that any project approved by local governments within the primary zone is consistent with the Resource Management Plan and the CDEW Plan.
- d. Exercise appeal authority over selected portions of the secondary zone once local plans are created for those ar34as (see Strategy 6.2). Until those local plans are created, DPC should possess direct consistency determination authority over development proposal in these areas.
- e. Determine the consistency of the local plans in (d) with the CDEW Plan.

The local plans for the areas named in Strategy 6.2 must bring land uses into consistency with the CDEW Plan. These plans should be prepared within three years and be submitted for consistency review to the DPC upon completion. The CDEW Council may review local plans, or exercise consistency determination authority for individual projects in the primary or secondary zones, at it discretion.

Page130. Action 7.2.1: Develop a legally enforceable California Delta Ecosystem and Water Plan.....Integrate, modify, extend other plans, etc. ..the Land Use and Management Plan developed by the Delta Protection Commission.....

The CDEW Plan must.....define state land use interests in the Delta, especially those that impact the ecosystem, water supply reliability, and flood concerns. The DPC and local governments will provide the oversight to protect those interests in consistency with the CDEW Plan. In the case that these state interests extend from the Delta into adjacent areas, they will work with relevant local governments to address the linkages.

Page 135. Action 7.3.2: Establish a base of revenues outside the state General Fund for the work of the California Delta Ecosystem and Water Council, the Delta Conservancy, the Delta Protection Commission, and related core activities of the Department of Fish and Game, the Department of Water Resources, and the State Water Resources Control Board.

Page 157. Action Recommendations by Agency

Strategy 2.1: Apply for federal designation of the Delta as a National Heritage Area, and expand the State Recreation Area network in the Delta. \_ Responsible State Agency – Resources Agency with DPC.

Page 158. Strategy 2.4: Establish a Delta Investment Fund to provide funds for regional economic development and adaptation. 0 Responsible State Agency – Governor and Legislature authorize and fund, DPC and local governments implement.

Action 3.2.4: Using the National Heritage Area and regional economic development planning efforts, begin immediately to identify ways to encourage recreational investment along the key river corridors. Responsible State Agency – DPC and local governments.,

Page 161. Strategy 6.1: Significantly improve levels of emergency protection for people, assets, and resources. Responsible State Agency – OES, DPC, DWR, and local governments.

Strategy 6.2: Discourage inappropriate land uses in the Delta Region – Responsible State Agency – local governments and DPC.

Page 163. Near –Term Actions. 2. Initiate collection of improved socio-economic, ecosystem, and physical structure data about the Delta to inform policy processes, and project level decision making by all public agencies, local, state, and federal. Responsible State agency – DWR, DFG, DPC, and local governments.